

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DARCY HARPER,

Plaintiff,

No. 2:24-cv-2644 TLN CSK P

v.

ALEX FARHAT, et al.,

Defendants.

ORDER

Plaintiff Darcy Harper (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 17, 2025, the magistrate judge filed findings and recommendations which were served on all parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. (ECF No. 33.) This deadline has passed, and no objections have been filed.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]"). Having reviewed the file, the Court finds the findings and recommendations to be supported by

1 the record and by the proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations, (ECF No. 33), are ADOPTED in full;
- 4 2. Defendants' motion to sever Plaintiff's misjoined claims, (ECF No. 28), is GRANTED;
- 5 3. Claim Two against Defendant Singh and Claim Three against Defendant Ekinim are
6 severed from this action, and Defendants Singh and Ekinim are TERMINATED from this
7 action;
- 8 4. The Clerk of the Court is directed to:
 - 9 a. Assign new case numbers to Plaintiff's Eighth Amendment claims against
10 Defendants Singh and Ekinim;
 - 11 b. Assign the same magistrate judge to the new actions in the interest of judicial
12 economy, and make appropriate adjustment in the assignment of civil cases to
13 compensate for this direct assignment;
 - 14 c. Include the second amended complaint filed in the instant action, (ECF No. 14), in
15 the newly opened civil cases;
 - 16 d. Note in the docket for the new civil cases that the filing fee for the new civil cases
17 is waived in accordance with Rule 21 of the Federal Rules of Civil Procedure;
 - 18 e. Update the docket in Case No. 2:24-cv-2644 to reflect that Defendants Singh and
19 Ekinim have been terminated as named defendants in this action;
- 20 5. Defendant Farhat is ordered to file a response to the second amended complaint in Case
21 No. 2:24-cv-2644 within thirty (30) days of this order.

22 Date: September 9, 2025

23
24
25
26 
27 TROY L. NUNLEY
28 CHIEF UNITED STATES DISTRICT JUDGE